

PEACE AND AMITY

Treaty signed at Algiers December 22 and 23, 1816

Senate advice and consent to ratification February 1, 1822

Ratified by the President of the United States February 11, 1822

Proclaimed by the President of the United States February 11, 1822

Became obsolete in 1830, when Algiers became a province of France

8 Stat. 244; Treaty Series 2 ¹

TREATY OF PEACE AND AMITY, CONCLUDED BETWEEN THE UNITED STATES OF AMERICA AND THE DEY AND REGENCY OF ALGIERS

The President of the United States and the Dey of Algiers being desirous to restore and maintain upon a stable and permanent footing, the relations of peace and good understanding between the two powers; and for this purpose to renew the Treaty of Peace and Amity which was concluded between the two States by William Shaler, and Commodore Stephen Decatur, as Commissioners Plenipotentiary, on the part of the United States and His Highness Omar Pashaw Dey of Algiers on the 30th of June 1815.²

The President of the United States having subsequently nominated and appointed by Commission, the above named William Shaler, and Isaac Chauncey, Commodore and Commander in chief of all the Naval Forces of the United States in the Mediterranean, Commissioners Plenipotentiary, to treat with His Highness the Dey of Algiers for the renewal of the Treaty aforesaid; and they have concluded, settled, and signed the following articles:

ARTICLE 1st

There shall be from the conclusion of this Treaty, a firm, perpetual, inviolable and universal peace and friendship between the President and Citizens of the United States of America on the one part, and the Dey and subjects of the Regency of Algiers in Barbary on the other, made by the free consent of both parties, and on the terms of the most favoured Nations; and if either party shall hereafter grant to any other Nation, any particular favor or privilege in Navigation, or Commerce, it shall immediately become common to the other party, freely, when freely it is granted to such other

¹ For a detailed study of this treaty, see 2 Miller 617.

² TS 1½, *ante*, p. 45.

Nations, but when the grant is conditional, it shall be at the option of the contracting parties, to accept, alter, or reject such conditions in such manner as shall be most conducive to their respective interests.

ARTICLE 2^d

It is distinctly understood between the contracting parties, that no tribute, either as biennial presents or under any other form, or name whatever, shall be required by the Dey and Regency of Algiers from the United States of America on any pretext whatever.

ARTICLE 3^d

Relates to the mutual restitution of prisoners & subjects and has been duly executed.

ARTICLE 4th

Relates to the delivery into the hands of the Consul General of a quantity of Bales of Cotton &c and has been duly executed.

ARTICLE 5th

If any goods belonging to any Nation with which either of the parties are at War, should be loaded on board vessels belonging to the other party, they shall pass free and unmolested and no attempt shall be made to take or detain them.

ARTICLE 6th

If any citizens or subjects belonging to either party shall be found on board a prize-vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately and in no case, or on any pretence whatever shall any American citizen be kept in captivity or confinement, or the property of any American citizen found on board of any vessel belonging to any Nation with which Algiers may be at War, be detained from its lawful owners after the exhibition of sufficient proofs of American citizenship and American property by the Consul of the United States, residing at Algiers.

ARTICLE 7th

Proper passports shall immediately be given to the vessels of both the contracting parties on condition that the vessels of War belonging to the Regency of Algiers on meeting with Merchant vessels belonging to the Citizens of the United States of America shall not be permitted to visit them with more than two persons besides the rowers; these only shall be permitted to go on board, without first obtaining leave from the Commander of said vessel, who shall compare the passports and immediately permit said vessel to proceed on her voyage; and should any of the subjects of Algiers insult or molest the Commander or any other person on board a vessel so

visited, or plunder any of the property contained in her, on complaint being made to the Consul of the United States residing in Algiers, and on his producing sufficient proofs to substantiate the fact, the Commander or Rais, of said Algerine ship or vessel of War, as well as the offenders, shall be punished in the most exemplary manner.

All vessels of War belonging to the United States of America on meeting a cruiser belonging to the Regency of Algiers, on having seen her passports, and certificates from the Consul of the United States residing in Algiers; shall permit her to proceed on her cruise unmolested and without detention.

No passport shall be granted by either party to any vessels but such as are absolutely the property of citizens or subjects of the said contracting parties, on any pretence whatever.

ARTICLE 8th

A citizen or subject of either of the contracting parties, having bought a prize vessel condemned by the other party or by any other Nation, the Certificates of condemnation, and bill of sale, shall be a sufficient passport for such vessel for six months, which considering the distance between the two Countries, is no more than a reasonable time for her to procure passports.

ARTICLE 9th

Vessels of either of the contracting parties, putting into the ports of the other, and having need of provisions or other supplies shall be furnished at the Market price, and if any such vessel should so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reembark her cargo, without paying any customs or duties whatever; but in no case shall be compelled to land her cargo.

ARTICLE 10th

Should a vessel of either of the contracting parties be cast on shore within the territories of the other, all proper assistance shall be given to her and her crew; no pillage shall be allowed. The property shall remain at the disposal of the owners, and if re-shipped on board of any vessel for exportation, no customs or duties whatever shall be required to be paid thereon, and the crew shall be protected and succoured until they can be sent to their own country.

ARTICLE 11th

If a vessel of either of the contracting parties shall be attacked by an enemy within cannon-shot of the forts of the other, she shall be protected as much as is possible. If she be in port she shall not be seized or attacked when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be permitted to pursue her from the same port within twenty four hours after her departure.

ARTICLE 12th

The commerce between the United States of America and the Regency of Algiers, the protections to be given to Merchants, Masters of vessels, and seamen, the reciprocal rights of establishing consuls in each country, the privileges, immunities, and jurisdictions to be enjoyed by such consuls, are declared to be on the same footing in every respect with the most favoured nations respectively.

ARTICLE 13th

The Consul of the United States of America shall not be responsible for the debts contracted by the citizens of his own country, unless he gives previously, written obligations so to do.

ARTICLE 14th

On a vessel or vessels of War belonging to the United States, anchoring before the city of Algiers the consul is to inform the Dey of her arrival when she shall receive the salutes which are by Treaty, or custom given to the Ships of War of the most favoured nations on similar occasions and which shall be returned gun for gun; and if after such arrival so announced, any Christians whatever, captives in Algiers, make their escape and take refuge on board any of the said ships of war, they shall not be required back again, nor shall the Consul of the United States or Commander of the said ship be required to pay any thing for the said Christians.

ARTICLE 15th

As the Government of the United States has in itself no character of enmity against the laws, religion, or tranquillity of any Nation, and as the said states have never entered into any voluntary War or act of hostility, except in defence of their just rights on the high seas, it is declared by the contracting parties, that no pretext arising from Religious Opinions shall ever produce an interruption of the Harmony between the two Nations; and the Consuls and Agents of both Nations shall have liberty to celebrate the rites of their respective religions in their Own houses.

The Consuls respectively shall have liberty and personal security given them to travel within the territories of each other by land and sea and shall not be prevented from going on board any vessel they may think proper to visit; they shall likewise have the liberty to appoint their own Drogoman and Broker.

ARTICLE 16th

In case of any dispute arising from the violation of any of the articles of this Treaty, no appeal shall be made to arms, nor shall War be declared on any pretext whatever. But if the Consul residing at the place where the dispute shall happen, shall not be able to settle the same, the Government of that country, shall state their grievance in writing and transmit the same

to the Government of the other, and the period of three months shall be allowed for answers to be returned, during which time, no act of hostility shall be permitted by either party; and in case the grievances are not redressed and a War should be the event, the Consuls and Citizens and Subjects of both parties, respectively shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper, reasonable time being allowed for that purpose.

ARTICLE 17th

If in the course of events a War should break out between the two Nations the prisoners captured by either party, shall not be made slaves; they shall not be forced to hard labour or other confinement than such as may be necessary to secure their safe-keeping, and shall be exchanged rank for rank; and it is agreed that prisoners shall be exchanged in twelve months after their capture and the exchange may be effected by any private individual, legally authorized by either of the parties.

ARTICLE 18th

If any of the Barbary powers or other States at war with the United States shall capture any American vessel and send her into any port of the Regency of Algiers, they shall not be permitted to sell her; but shall be forced to depart the Port on procuring the requisite supplies of provisions; but the vessels of War of the United States with any prizes they may capture from their enemies shall have liberty to frequent the Ports of Algiers for refreshment of any kind, and to sell such prizes in the said Ports, without paying any other Customs or duties than such as are customary on ordinary commercial importations.

ARTICLE 19th

If any of the Citizens of the United States or any persons under their protection, shall have any disputes with each other, the Consul shall decide between the parties, and whenever the Consul shall require any aid or assistance from the Government of Algiers to enforce his decisions it shall be immediately granted to him: and if any disputes shall arise between any citizens of the United States and the citizens or subjects of any other Nations having a Consul, or Agent in Algiers, such disputes shall be settled by the Consuls or Agents of the respective nations; and any disputes or suits at law, that may take place between any Citizens of the United States and the subjects of the Regency of Algiers, shall be decided by the Dey in Person and no other.

ARTICLE 20th

If a citizen of the United States should Kill, wound or strike a subject of Algiers, or on the contrary, a subject of Algiers, should kill, wound or strike a citizen of the United States, the law of the country shall take

place and equal justice shall be rendered, the consul assisting at the trial; but the sentence of punishment against an American citizen shall not be greater, or more severe, than it would be against a Turk, in the same predicament, and if any delinquent should make his escape, the Consul shall not be responsible for him in any manner whatever.

ARTICLE 21st

The Consul of the United States of America, shall not be required to pay any customs or duties whatever on any thing he imports from a foreign country for the use of his house and family.

ARTICLE 22^d

Should any of the Citizens of the United States of America die within the Regency of Algiers, the Dey and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the Consul, unless otherwise disposed of by Will; Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property; neither shall the Dey, or his subjects give hindrance in the execution of any will that may appear.

ARTICLE ADDITIONAL & EXPLANATORY

The United States of America in order to give to the Dey of Algiers a proof of their desire to maintain the relations of peace and amity between the two powers upon a footing the most liberal; and in order to withdraw any obstacle which might embarrass him in his relations with other States, agree to annul so much of the Eighteenth Article of the foregoing Treaty, as gives to the United States any advantage in the ports of Algiers over the most favoured Nations having Treaties with the Regency.

Done at the Palace of the Government in Algiers on the 22^d day of December 1816. which corresponds to the 3^d of the Moon Safar Year of the Hegira 1232.³

Whereas the undersigned William Shaler a Citizen of the State of New York and Isaac Chauncey, Commander in chief of the Naval Forces of the United States, Stationed in the Mediterranean, being duly appointed Commissioners by letters patent under the signature of the President and Seal of the United States of America, bearing date at the City of Washington the twenty fourth day of August A. D. 1816. for negotiating and concluding the renewal of a Treaty of Peace between the United States of America, and the Dey and subjects of the Regency of Algiers.

³ The seal and tughra (name sign) of Omar Pasha, Dey and Governor of Algiers, appears at the beginning and end of the Turkish translation. The English text is neither signed nor sealed.

We therefore William Shaler and Isaac Chauncey, Commissioners as aforesaid, do conclude the foregoing Treaty, and every article and clause therein contained, reserving the Same nevertheless for the final ratification of the President of the United States of America, by and with the advice, and consent, of the Senate of the United States.

Done in the Chancery of the Consulate General of the United States in the City of Algiers on the 23^d day of December in the Year 1816 and of the Independence of the United States the Forty First.

WM. SHALER	[SEAL]
I. CHAUNCEY	[SEAL]